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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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BROADCAST MUSIC, INC.; MICHAEL JOE)
JACKSON d/b/a MIJAC MUSIC;)
JANICE-MARIE VERCHER d/b/a)
CONDUCTIVE MUSIC; SPIRIT ONE MUSIC,)
a division of SPIRIT MUSIC GROUP)
INC.; MIRAN PUBLISHING, INC.; TWO)
KNIGHT MUSIC, a division of COUCH)
AND MADISON PARTNERSHIP; The Estate)
of Maurice Ernest Gibb and Robin)
Gibb, a partnership d/b/a GIBB)
BROTHERS MUSIC; BARRY ALAN GIBB)
d/b/a CROMPTON SONGS,)

Plaintiffs,)

v.)

QUEEN OF HEARTS CRUISES, INC. d/b/a)
THE QUEEN OF HEARTS and STEVEN P.)
SALSBERG and IRA M. BAROCAS, each)
individually,)

Defendants.)
-----X

COMPLAINT

Plaintiffs, by their attorneys, for their Complaint against Defendants, allege as follows (on knowledge as to Plaintiffs; otherwise on information and belief):

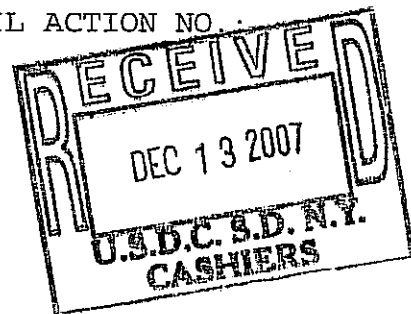
JURISDICTION AND VENUE

1. This is a suit for copyright infringement under the

JUDGE SCHEINDLIN

07 CV 11222

CIVIL ACTION NO.



United States Copyright Act of 1976, as amended, 17 U.S.C. Sections 101 et seq. (the "Copyright Act"). This Court has jurisdiction pursuant to 28 U.S.C. Section 1338(a).

2. Venue is proper in this judicial district pursuant to 28 U.S.C. Section 1400(a).

THE PARTIES

3. Plaintiff, Broadcast Music, Inc. ("BMI"), is a corporation organized and existing under the laws of the State of New York. BMI's principal place of business is 320 West 57th Street, New York, New York 10019. BMI has been granted the right to license the public performance rights in approximately three million copyrighted musical compositions (the "BMI repertoire"), including those which are alleged herein to have been infringed.

4. The other Plaintiffs are the owners of the copyrights in the musical compositions which are the subject of this lawsuit. All Plaintiffs are joined pursuant to Fed. R. Civ. P. 17(a) and 19(a).

5. Defendant Queen Of Hearts Cruises, Inc. is a corporation organized and existing under the laws of the state of New York, which operates, maintains and controls a showboat known as The Queen Of Hearts (the "Establishment"). The main office for Queen Of Hearts Cruises, Inc. is located at 160 East 88th Street, New York, New York 10128, in this district.

6. In connection with the operation of this business,

Defendant Queen Of Hearts Cruises, Inc. publicly performs musical compositions and/or causes musical compositions to be publicly performed.

7. Defendant Queen Of Hearts Cruises, Inc. has a direct financial interest in the Establishment.

8. Defendant Steven P. Salsberg is an officer of Defendant Queen Of Hearts Cruises, Inc. with primary responsibility for the operation and management of that corporation and the Establishment.

9. Defendant Steven P. Salsberg has the right and ability to supervise the activities of Defendant Queen Of Hearts Cruises, Inc. and a direct financial interest in that corporation and the Establishment.

10. Defendant Ira M. Barocas is an officer of Defendant Queen Of Hearts Cruises, Inc. with primary responsibility for the operation and management of that corporation and the Establishment.

11. Defendant Ira M. Barocas has the right and ability to supervise the activities of Defendant Queen Of Hearts Cruises, Inc. and a direct financial interest in that corporation and the Establishment.

CLAIMS OF COPYRIGHT INFRINGEMENT

12. Plaintiffs repeat and reallege each of the allegations contained in paragraphs 1 through 11.

13. Plaintiffs allege seven (7) claims of copyright infringement, based upon Defendants' unauthorized public performance of musical compositions from the BMI repertoire. All of the claims for copyright infringement joined in this Complaint are governed by the same legal rules and involve similar facts. Joinder of these claims will promote the convenient administration of justice and will avoid a multiplicity of separate, similar actions against Defendants.

14. Annexed as the Schedule and incorporated herein is a list identifying some of the many musical compositions whose copyrights were infringed by Defendants. The Schedule contains information on the seven (7) claims of copyright infringement at issue in this action. Each numbered claim has the following eight lines of information: Line 1 providing the claim number; Line 2 listing the title of the musical composition related to that claim; Line 3 identifying the writer(s) of the musical composition; Line 4 noting the publisher(s) of the musical composition and the plaintiff(s) in this action pursuing the claim at issue; Line 5 providing the date on which the copyright registration was issued for the musical composition; Line 6 indicating the Registration number(s); Line 7 showing the date(s) of infringement; and Line 8 identifying the location of the establishment where the infringement occurred.

15. Each of the musical compositions identified on the Schedule, Line 2, were created by the persons named on Line 3 (all

references to Lines are lines on the Schedule).

16. On or about the dates indicated on Line 5, the publishers named on Line 4 (including any predecessors in interest), complied in all respects with the requirements of the Copyright Act and received from the Register of Copyrights Certificates of Registration bearing the numbers listed on Line 6.

17. On the dates listed on Line 7, Plaintiff BMI was and still is the licensor of the public performance rights in the musical compositions identified on Line 2. On the dates listed on Line 7, the Plaintiffs listed on Line 4 were and still are the owners of the copyright in the respective musical composition listed on Line 2.

18. On the dates listed on Line 7, Defendants performed and/or caused the musical compositions identified on Line 2 to be publicly performed at The Queen Of Hearts without a license or permission to do so. Thus, Defendants have committed copyright infringement.

19. The specific acts of copyright infringement alleged, as well as Defendants' entire course of conduct, have caused and are causing Plaintiffs great and incalculable damage. By continuing to provide unauthorized public performances of works in the BMI repertoire at The Queen Of Hearts, Defendants threaten to continue committing copyright infringement. Unless this Court restrains Defendants from committing further acts of copyright infringement, Plaintiffs will suffer irreparable injury for which they have no

adequate remedy at law.

WHEREFORE, Plaintiffs pray that:

(I) Defendants, their agents, servants, employees, and all persons acting under their permission and authority, be enjoined and restrained from infringing, in any manner, the copyrighted musical compositions licensed by BMI, pursuant to 17 U.S.C. Section 502;

(II) Defendants be ordered to pay statutory damages, pursuant to 17 U.S.C. Section 504(c);

(III) Defendants be ordered to pay costs, including a reasonable attorney's fee, pursuant to 17 U.S.C. Section 505; and

(IV) That Plaintiffs have such other and further relief as is just and equitable.

Dated: December 11, 2007

By: 

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Schedule

Line 1	Claim No.	1
Line 2	Musical Composition	Bad
Line 3	Writer(s)	Michael Jackson
Line 4	Publisher Plaintiff(s)	Michael Joe Jackson d/b/a Mijac Music
Line 5	Date(s) of Registration	3/9/87
Line 6	Registration No(s).	PAu 937-752
Line 7	Date(s) of Infringement	9/27/06
Line 8	Place of Infringement	The Queen Of Hearts

Line 1	Claim No.	2
Line 2	Musical Composition	Billie Jean
Line 3	Writer(s)	Michael Jackson
Line 4	Publisher Plaintiff(s)	Michael Joe Jackson, an individual d/b/a Mijac Music
Line 5	Date(s) of Registration	12/27/82
Line 6	Registration No(s).	PA 158-772
Line 7	Date(s) of Infringement	9/13/06 9/27/06
Line 8	Place of Infringement	The Queen Of Hearts

Line 1	Claim No.	3
Line 2	Musical Composition	Boogie Oogie Oogie
Line 3	Writer(s)	Janice Marie Johnson; Perry Kibble
Line 4	Publisher Plaintiff(s)	Janice-Marie Vercher, an individual d/b/a Conducive Music; Spirit One Music, a Division of Spirit Music Group Inc.
Line 5	Date(s) of Registration	5/2/78
Line 6	Registration No(s).	PA 5-715
Line 7	Date(s) of Infringement	9/13/06 9/27/06
Line 8	Place of Infringement	The Queen Of Hearts

Line 1	Claim No.	4
Line 2	Musical Composition	Don't Stop a/k/a Don't Stop Till You Get Enough
Line 3	Writer(s)	Michael Joe Jackson
Line 4	Publisher Plaintiff(s)	Miran Publishing, Inc.
Line 5	Date(s) of Registration	6/18/79 8/11/80
Line 6	Registration No(s).	Pau 114-601 PAu 240-861
Line 7	Date(s) of Infringement	9/13/06 9/27/06
Line 8	Place of Infringement	The Queen Of Hearts

Line 1	Claim No.	5
Line 2	Musical Composition	Ring My Bell
Line 3	Writer(s)	Frederick Knight
Line 4	Publisher Plaintiff(s)	Two Knight Music, a Division of Couch and Madison Partnership
Line 5	Date(s) of Registration	6/1/79
Line 6	Registration No(s).	PA 33-911
Line 7	Date(s) of Infringement	9/13/06
Line 8	Place of Infringement	The Queen Of Hearts

Line 1	Claim No.	6
Line 2	Musical Composition	Stayin' Alive a/k/a Staying Alive
Line 3	Writer(s)	Barry Gibb; Robin Gibb; Maurice Gibb
Line 4	Publisher Plaintiff(s)	The Estate of Maurice Ernest Gibb and Robin Gibb, a partnership d/b/a Gibb Brothers Music; Barry Alan Gibb, an individual d/b/a Crompton Songs
Line 5	Date(s) of Registration	3/7/77 2/13/78 3/19/84 3/19/84
Line 6	Registration No(s).	Eu 761684 PA 178 PA 209-625 PAu 618-264
Line 7	Date(s) of Infringement	9/13/06
Line 8	Place of Infringement	The Queen Of Hearts

Line 1	Claim No.	7
Line 2	Musical Composition	Wanna Be Startin' Somethin'
Line 3	Writer(s)	Michael Joe Jackson
Line 4	Publisher Plaintiff(s)	Michael Joe Jackson, an individual d/b/a Mijac Music
Line 5	Date(s) of Registration	11/16/82 12/27/82
Line 6	Registration No(s).	Pau 456-336 Pa 158-770
Line 7	Date(s) of Infringement	9/27/06
Line 8	Place of Infringement	The Queen Of Hearts
